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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,363	02/26/2004	Kiyoharu Shimano	60933 (70820)	5137
21874	7590	07/14/2005	EXAMINER	
EDWARDS & ANGELL, LLP			PERKEY, WILLIAM B	
P.O. BOX 55874			ART UNIT	
BOSTON, MA 02205			PAPER NUMBER	
			2851	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/789,363

Applicant(s)

SHIMANO ET AL

Examiner

William B. Perkey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-20 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-13 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/26/04, 07/06/04</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the lens attaching and detaching means of claims 4 ,10,17; and the plurality of lens sections and the lens selecting means of claims 5 and 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6, 7, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukuda et al. (U.S. Patent Application Publication 2003/0040346 A1).

Fukuda et al. shows a folding type camera device in Figs. 1A and 1B; a first casing 10 having a photosensor section 18; a second casing 12 having a lens section 28; and a pivoting connecting section 14. Casing 10 is on a display side and casing 12 is on an operation panel side.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (U.S. Patent Application Publication 2003/0040346 A1) in view of Takachi (U.S. Patent Application Publication 2003/0137595 A1).

Fukuda et al. shows the claimed invention, as explained above, except for a lens attaching and detaching means. Takachi, in Fig. 3 shows a lens attaching and detaching means as screw threads. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to provide the lens section 18 (and 28) with screw threads in order to obtain the desirable feature of being able to use lenses of different focal length or to replace a damaged lens.

6. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (U.S. Patent Application Publication 2003/0040346 A1) in view of Nakamura et al. in view of Chen. (U.S. Patent No. 6,643,457).

Fukuda et al. shows the claimed invention, as explained above, except for a plurality of the lens sections and a lens selecting means. Chen shows a camera having a rotating turret or slide mechanism for selecting lenses of different focal lengths. It would have been obvious to one of ordinary skill in the art to provide the device of Fukuda et al. with a plurality of lens in the section 18 or 28 and a selecting mechanism, in order to obtain the desirable feature selective image magnification.

7. Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (U.S. Patent Application Publication 2003/0040346 A1) in view of Sato et al. (Patent Application Publication U.S. 2004/0048633 A1).

Fukuda et al. shows the claimed invention except for a sub-display section on a side opposite the light receiving side of the photosensor section and displaying the image generated from the photosensor section. Sato et al. discloses a folding type camera device in Figs. 1A and 1B showing a camera 10 and display 11 on one side of the display casing and a camera 8 and a

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display 7 on the other side of the casing. In the open position, pictures can be taken by either camera. The taken picture is displayed on both displays. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to provide a camera and display on the other face of the casing 10 in Fukuda et al. in order to obtain the desirable feature of obtaining pictures from either side of the telephone, when in the open position, and to display them on both displays in order for both user and subject to see the pictures.

***Allowable Subject Matter***

8. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 14-20 are allowed.

***Reasons for Patentability***

10. The primary reason for patentability of claims 8 and 9 is the claim 8 limitation that in the folded state, where the photosensor and lens sections are superposed on each other, the side opposite from the display screen side of the first casing and the side opposite from the operation panel face each other. The primary reason for patentability of claims 14-20 is the claim 14 limitations for both the first and second casing having a photosensor section and both the first and second casing having a lens section that projects an image on the photosensor in the other casing.

**Telephone Numbers**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey whose telephone number is (571) 272-2126. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William B. Perkey  
Primary Examiner  
Art Unit 2851

WBP:wbp